

BPS-266
July 7, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **06-1665**

CURTIS BRANDON

v.

PHILLIP L. JOHNSON
(WD/PA Civil No. 00-cv-01656)

Present: RENDELL, AMBRO and GREENBERG, Circuit Judges

Submitted is: Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); in the above-captioned case.

Respectfully,

Clerk

MMW/KEK/kb/pdb

ORDER

The foregoing request for a certificate of appealability is denied. Because Appellant's motion challenges his underlying conviction, it amounts to an unauthorized second or successive habeas petition. See Gonzalez v. Crosby, 125 S. Ct. 2641, 2647-48 (2005). As such, the District Court lacked jurisdiction to entertain it. See 28 U.S.C. 2244(b)(3)(A); Pridgen v. Shannon, 380 F.3d 721, 725 (3d. Cir. 2004).

By the Court,

/s/Marjorie O. Rendell
Circuit Judge

Dated: July 24, 2006
PDB/cc: Mr. Curtis Brandon
Paul R. Scholle, Esq.